



**COPY OF PAPERS
ORIGINALLY FILED**

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : RISTIC, et al.
SERIAL NO : 09/810,764
FILED : March 16, 2001
TITLE : MAIZE CHLOROPLAST PROTEIN SYNTHESIS ELONGATION
FACTORS AND METHODS OF USE FOR SAME

Grp./A.U. : 1646
Conf. No. : 7108
Docket No. : P03965US1

**REQUEST FOR RECONSIDERATION OF
PETITION UNDER 37 C.F.R. § 1.47(a) TO ACCEPT
FILING ON BEHALF OF NONSIGNING INVENTOR**

To the Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

Dear Madam:

Applicant hereby petitions under 37 CFR § 1.47(a) to accept filing on behalf of
nonsigning inventor, Genping Yang. Dr. Yang cannot be found or reached after diligent effort.

Attached to this Petition are two Statement of Facts, made by persons having first-hand
knowledge of the facts, with Exhibits 1-8 and Exhibits A-B. The last known home address of the
inventor is:

Dr. Genping Yang
302 Prospect Street
Vermillion, South Dakota 57069

RECEIVED
JUN 28 2002

OFFICE OF PETITIONS

Also attached is the \$130 petition fee, pursuant to 37 CFR § 1.17(i).

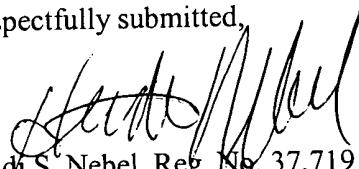
CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

I hereby certify that this document and the documents referred to as enclosed therein are being deposited
with the United States Postal Service as First Class mail in an envelope addressed to: Assistant Commissioner for
Patents, Box DAC, Washington, D.C. 20231, on this 15 day of June, 2002.

Hendri S. Nebel

If any additional fees are needed, please charge Deposit Account No. 26-0084.

Respectfully submitted,


Heidi S. Nebel, Reg. No. 37,719
McKEE, VOORHEES & SEASE, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
Phone No. (515) 288-3667
Fax No. (515) 288-1338
CUSTOMER NO: 27142

Attorneys of Record

- jc -



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**STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING
INVENTOR (37 CFR § 1.47)**

Commissioner of Patents and Trademarks
Box DAC
Washington, D.C. 20231

Dear Madam:

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor (Genping Yang) for the above-identified patent application before deposit thereof in the Patent and Trademark Office. This statement is being made by the available person having first-hand knowledge of the facts recited therein.

I, Patricia E. Wilson, hereby declare the following:

1. I, Patricia E. Wilson, am employed by McKee, Voorhees & Sease, P.L.C. as a legal secretary for Heidi S. Nebel.

CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

I hereby certify that this document and the documents referred to as enclosed therein are being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231, on this 16 day of June, 2002.

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Heidi S. Nebel

2. In preparation of the response to the Notice to File Missing Parts of Nonprovisional Application dated May 2, 2001, requesting us to furnish a properly signed oath or declaration in compliance with 37 CFR 1.136(a) I personally completed the following:

- a) On March 13, 2001 I mailed a final draft of the above-identified application along with a declaration to Dr. Ristic and requested him to forward the declaration to Dr. Bhadula and Dr. Yang for their signatures. (Exhibit 1)
- b) On March 14, 2001, I received a telephone call from Dr. Ristic stating that Dr. Yang was not at the University of South Dakota, and the last he knew, was in Canada, but it had been some time ago. See notes of phone call. (Exhibit 2)
- c) On May 22, 2001 I called the University of South Dakota and asked for Dr. Yang. There was no one by that name listed on their directory. I was forwarded to the Biology Department and was put through to Dr. Ristic, who again reiterated that Dr. Yang had left for the University of Guelph approximately 7 years ago. He had not heard from him since. See notes of phone calls. (Exhibit 3)
- d) I contacted Debra Blair, Patent Attorney at Pioneer Hi-Bred to let her know that we have been unable to locate Dr. Yang. On May 22, 2001, she sent an e-mail to Heidi stating she had made numerous attempts to locate an address or phone number for Dr. Genping Yang. She was in contact with Dr. Engstrom who is Pioneer's contractual contact, who transferred her to Gloria in Accounting; who recommended she call personnel; who recommended she call Financial Aid; who recommended she call the Registrar's Office. After numerous other calls, she still has no current information as to Dr. Yang's whereabouts. See e-mail of May 22 attached herewith. (Exhibit 4)

3. On July 13, 2001 I mailed a copy of the application and declaration to Dr. Yang via Certified Mail at the last known address of Dr. Yang by myself, colleagues at Pioneer and at South

Dakota, his last known place of employment. The parcel was returned marked "Return to Sender, Attempted Not Known". (Exhibit 5)

4. On March 18, 2002, a Decision Granting Petition Under 37 CFR § 1.78(a)(6) and Refusing Status Under 37 CFR § 1.47(a) was mailed from the Office of Petitions (Exhibit 6).

5. On May 8, 2002, after diligent effort, Lila A.T. Akrad received the last known home address of Dr. Genping Yang via facsimile from the University of South Dakota (Exhibit A Attached to Lila A. T. Akrad's Statement of Facts). I then mailed a copy of the application and declaration to Dr. Yang via Certified Mail with "Return Receipt Requested and Restricted Delivery".

6. On May 10, 2002, the application and declaration were sent via certified mail, restricted delivery, return receipt via U.S. Postal Service to the last known home address (Exhibit 7):

Dr. Genping Yang
302 Prospect Street
Vermillion, South Dakota 57069

7. On June 3, 2002, I received the returned parcel marked "Return Receipt Requested and Restricted Delivery" whereby attempts were made on May 13, 18 and 28, 2002 and were unsuccessful as noted on front of parcel as "Unclaimed" (Exhibit 8).

8. All exhibits attached herewith are true and accurate copies of documents authored or received by me.

The undersigned further declares that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application of any patent issuing thereon.

Patricia E. Wilson
Patricia E. Wilson
McKee, Voorhees & Sease, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721

Date June 18, 2002

STATE OF IOWA
COUNTY OF POLK

This instrument was acknowledged before me

On June 18, 2002
(date)

By _____ Patricia E. Wilson _____
(name of person)

Kathy G. Givens
Notary Public
My commission expires 10-21-2004

(SEAL)